

JARDYN TRUETT

VERSUS NO. 2018-963 B

* 14TH JUDICIAL DISTRICT COURT

SASOL CHEMICALS (USA), INC.,
SASOL NORTH AMERICA, INC.,
SASOL CHEMICALS NORTH AMERICA, * PARISH OF CALCASIEU
L.L.C., FLUOR SCAFFOLDING, INC.,
SUPERHEAT FGH SERVICES, INC.,
ISC CONTRACTORS, L.L.C., MMR
CONSTRUCTORS, INC., TECHNIP U.S.A.,
INC., APACHE INDUSTRIAL SERVICES,
INC., FLUOR ENTERPRISES, INC., FLUOR
CORPORATION, & FLUOR TECHNIP
INTEGRATED

* STATE OF LOUISIANA

PETITION FOR DAMAGES FOR WRONGFUL DEATH AND OTHER DAMAGES

NOW INTO COURT, comes petitioner, JARDYN TRUETT, a person of the full age of majority and resident and domiciled of the Parish of Calcasieu, State of Louisiana, surviving spouse of spouse of TYLER TRUETT (hereinafter "decedent"), who brings this action in accordance with Louisiana Code of Civil Procedure Art. 2315.1 for damages for injury to decedent, (termed in the Code "Survival Action") and Louisiana Civil Code art. 2315.2 for damages which sustained as a result of her husband's death: (termed in the Code "Wrongful Death Action"), and for other damages:

I.

Made defendants herein are the following:

- 1) Sasol Chemicals (USA), L.L.C., a Delaware limited liability company with its principal place of business in Houston, Texas. Sasol entities operated the facility where the fatal incident that is the subject of this lawsuit took place. It took responsibility for safety conditions at the facility, sponsored safety meetings and protocols, and the work at the facility was being done for its financial benefit. Its employees were present at the time of the accident and could have remedied the hazardous conditions which led to this fatal accident.
- 2) Sasol North America, Inc., a Delaware corporation with its principal place of business in Houston, Texas. Sasol entities operated the facility where the fatal incident that is

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Deputy Clerk of Court
Calcasieu Parish, Louisiana

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the subject of this lawsuit took place. It took responsibility for safety conditions at the facility, sponsored safety meetings and protocols, and the work at the facility was being done for its financial benefit. Its employees were present at the time of the accident and could have remedied the hazardous conditions which led to this fatal accident.

- 3) **Sasol Chemicals North America, L.L.C.**, a Delaware limited liability company with its principal place of business in Houston, Texas. Sasol entities operated the facility where the fatal incident that is the subject of this lawsuit took place. It took responsibility for safety conditions at the facility and the work at the facility was being done for its financial benefit. Its employees were present at the time of the accident and could have remedied the hazardous conditions which led to this fatal accident.
- 4) **Fluor Scaffolding, Inc.**, a Delaware corporation with its principal place of business in Irving, Texas. This entity was retained by Sasol to manage construction at the site/facility where the fatal incident that is the subject of this lawsuit occurred.
- 5) **Superheat FGH Services, Inc.**, a Delaware corporation with its principal place of business in New Lenox, Illinois. This entity was responsible for pipe preparation and testing at the accident site. Its employees were present at the time of the accident and could have remedied the hazardous conditions which led to this fatal accident.
- 6) **ISC Constructors, L.L.C.**, a Louisiana limited liability company with its registered office in East Baton Rouge Parish. Upon information and belief, its employees were present at the time of the accident and could have remedied the hazardous conditions which led to this fatal accident.
- 7) **MMR Constructors, Inc.**, a Louisiana corporation with its registered office in East Baton Rouge, Parish. Upon information and belief, its employees were present at the time of the accident and could have remedied the hazardous conditions which led to this fatal accident.
- 8) **Technip, USA, Inc.**, a Delaware corporation with its principal place of business in Houston, Texas. This entity was retained by Sasol to manage construction at the site/facility where the fatal incident that is the subject of this lawsuit occurred. It took responsibility for safety meetings and operated safety protocols and procedures at the

facility. All construction and equipment operations and requests at the Sasol facility in Westlake were controlled by this entity.

- 9) **Apache Industrial Services, Inc.**, a Delaware corporation with its principal place of business in Houston, Texas. This entity was responsible for fabricating and/or constructing the scaffolding on which the deceased was working when he fell and died. Apache Industrial Services, Inc. was contracted by Fluor Technip Integrated to build the scaffolding at the site of decedent's fatal fall.
- 10) **Fluor Enterprises, Inc.**, a California corporation with its principal place of business in Irving, Texas. This entity was retained by Sasol to manage construction at the site/facility where the fatal incident that is the subject of this lawsuit occurred. It took responsibility for safety meetings and operated safety protocols and procedures at the facility. All construction and equipment operations and requests at the Sasol facility in Westlake were controlled by this entity.
- 11) **Fluor Corporation**, a Delaware corporation with its principal place of business in Irving, Texas. This entity was retained by Sasol to manage construction at the site/facility where the fatal incident that is the subject of this lawsuit occurred. It took responsibility for safety meetings and operated safety protocols and procedures at the facility. All construction and equipment operations and requests at the Sasol facility in Westlake were controlled by this entity.
- 12) **Fluor Technip Integrated**, upon information and belief, an unincorporated joint venture of Fluor Enterprises, Inc. and Technip, USA, Inc., with its principal place of business in Calcasieu Parish, Louisiana. This joint venture was retained by Sasol to manage construction at the site/facility where the fatal incident that is the subject of this lawsuit occurred. It took responsibility for safety meetings and operated safety protocols and procedures at the facility. All construction and equipment operations and requests at the Sasol facility in Westlake were controlled by this entity.

II.

Venue is proper in this Court as the actions, omissions, and negligence sued upon occurred in this Parish and decedent's and petitioner's damages were sustained in this Parish.

III.

Petitioner is the surviving spouse of the deceased, Tyler Truett, who passed away at the age of 24 due to the negligence of the defendants on April 5, 2017, at the Sasol Ethane Cracker facility in or near Westlake, Louisiana in Calcasieu Parish. He was working as a welder for Performance Contracting Services, Inc. at the Sasol Ethane Cracker facility in or near Westlake when he fell to his death from improperly constructed and/or defective scaffolding. Upon information and belief, defendants failed to institute proper safety protocols, failed to provide decedent with safe equipment, failed to provide a safe place to work, failed to prevent dangerous falling debris and/or caused dangerous falling debris, or allowed for the use of defective equipment.

IV.

Defendants are liable unto Petitioner for damages of a reasonable amount and for all costs of these proceedings together with legal interest, for the following reasons to-wit:

V.

Decedent Tyler Truett died as the result of multiple injuries sustained when he fell from one level of scaffolding to another, including a broken spine, numerous broken ribs, a lacerated lung, a torn liver, and a torn spleen.

VI.

The fatal accident described herein was caused through no negligence on the part of decedent Tyler Truett but was caused solely by the herein named defendants in the following non-exclusive particulars:

- a. Careless and negligent construction and maintenance of the scaffolding structure;
- b. Maintaining the scaffolding structure in a reckless and irresponsible manner;
- c. Failing to properly mark said structure/scaffolding;
- d. Creating and/or allowing a hidden and dangerous condition to exist;

- e. Failing to institute protocols to prevent falling debris;
- f. Failing to remove from service "red tagged" scaffolding;
- g. Any and all other negligent acts or omissions that will be shown at the time of the trial of this matter or as may be developed through depositions or discovery.

VII.

Upon information and belief, the named defendants negligently failed to properly maintain the scaffold platform, harnesses, rope, pipes, at the Sasol Ethane Cracker facility in or near Westlake, Louisiana. Upon information and belief, all named defendants were responsible for safety at the Sasol facility and failed to ensure that the platform was fully planked as required by OSHA regulations found at 29 C.F.R. 1926.451(b)(1)(i).

VIII.

Upon information and belief, the named defendants are liable for damage resulting from a defective thing in one's custody or control pursuant to Louisiana Civil Code, in Articles 2317 and 2317.1.

IX.

Upon information and belief, all defendants were responsible for the safety conditions of the worksite and all had stop-work authority and could have corrected the unsafe condition. All defendants breached their duty of reasonable care to the decedent, Tyler Truett.

X.

All named defendants are vicariously liable for the actions, omissions, and negligence of their employees and agents per the doctrine of respondeat superior.

XI.

Per Louisiana Civil Code Art. 2315.2, petitioner itemizes her damages which she sustained as a proximate result of this accident and the death of her husband, as follows:

- a) Loss of future support;
- b) Deprivation of the companionship, security, love, and affection of her husband;
- c) Grief, mental anguish, and distress from the loss of her husband;
- d) Funeral expenses;

e) Medical expenses.

XII.

Per Louisiana Code of Civil Procedure Art. 2315.1, as beneficiary of the action of Tyler Truett for his own injuries proximately caused by the negligence of defendants, petitioner claims the damages reasonable in the premises for decedent's injuries set forth above, including his conscious pain and suffering, fear, fright, and alarm.

XIII. PRAYER

Wherefore, Petitioner prays for judgment against the defendants, jointly and in solido, as follows:

- 1) In favor of Jardyn Truett for such damages as are reasonable in the premises for the death of her said husband;
- 2) In favor of Jardyn Truett for such damages as are reasonable in the premises for the injuries suffered by the decedent, Tyler Truett;
- 3) Legal interest on the amounts prayed for from date of judicial demand until paid and all costs of these proceedings; and
- 4) For all general and equitable relief to which she may be entitled.

Respectfully submitted:


HUNT B. DOWNER, JR. (#05046)
JOSEPH L. WAITZ, JR. (#17848)
MARY W. RIVIERE (#19201)
DAVID C. PELLEGRIN, JR., (#34957)
JOSEPH L. WAITZ, III (#36069)
WAITZ & DOWNER
423 Goode Street
Houma, LA 70360
Tel: (985) 876-0870
Fax: (985) 876-0213
Attorneys for Petitioner

PLEASE SERVE:

- 1) **Sasol Chemicals (USA), L.L.C.**
through its agent for service of process:
C. T. Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

(Service requests continued on next page.)

A TRUE COPY
Lake Charles, Louisiana
Baptist Bank of Court
Calcasieu Parish, Louisiana MAR 15 2018
By: [Signature]

- 2) **Sasol North America, Inc.**
through its agent for service of process:
C. T. Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816
- 3) **Sasol Chemicals North America, L.L.C.**
through its agent for service of process:
C. T. Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816
- 4) **Fluor Scaffolding, Inc.**
through its agent for service of process:
Corporation Service Company
501 Louisiana Ave.
Baton Rouge, LA 70802
- 5) **Superheat FGH Services, Inc.**
through its agent for service of process:
C. T. Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816
- 6) **ISC Constructors, L.L.C.**
through its agent for service of process:
R. Loren Kleinpeter
7644 Old Hammond Highway
Baton Rouge, LA 70809
- 7) **MMR Constructors, Inc.**
through its agent for service of process:
Stephen LaPlace
16073 Airline Hwy.
Baton Rouge, LA 70821
- 8) **Technip, USA, Inc.**
through its agent for service of process:
C. T. Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816
- 9) **Apache Industrial Services, Inc.**
through its agent for service of process:
Capital Corporate Services, Inc.
8550 United Plaza Building II, Suite 305
Baton Rouge, LA 70809
- 10) **Fluor Enterprises, Inc.**
through its agent for service of process:
Corporation Service Company
501 Louisiana Ave.
Baton Rouge, LA 70802

(Service requests continued on next page.)

11) Fluor Corporation

(through the Long Arm Statute)
Corporation Service Company
251 Little Falls Drive
Wilmington, DE 19808

12) Fluor Technip Integrated

an unincorporated business being served through its partner/member:
Fluor Enterprises, Inc.
through its agent for service of process:
Corporation Service Company
501 Louisiana Ave.
Baton Rouge, LA 70802

13) Fluor Technip Integrated

an unincorporated business being served through its partner/member:
Technip, USA, Inc.
through its agent for service of process:
C. T. Corporation System
3867 Plaza Tower Dr.
Baton Rouge, LA 70816

JARDYN TRUETT

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INC., APACHE INDUSTRIAL SERVICES,
INC., FLUOR ENTERPRISES, INC., FLUOR
CORPORATION, & FLUOR TECHNIP
INTEGRATED * STATE OF LOUISIANA

VERIFICATION

STATE OF LOUISIANA

PARISH OF TERREBONNE

BEFORE ME, the undersigned authority, personally came and appeared:

JARDYN TRUETT

Petitioner in the foregoing Petition, who declared that she has read the same and that all of the allegations contained therein are true and correct to the best of her knowledge, information, and belief.

Jardyn Truett
JARDYN TRUETT

Sworn to and subscribed before me, this

19 day of March, 2018.

Hunt Downer
NOTARY PUBLIC

Hunt Downer
Bar # 5046

FILED MAR 07 2018

Carole B LeBlanc
Deputy Clerk of Court
Calcasieu Parish, Louisiana